

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BENJAMIN JUSTIN BROWNLEE,	)	Case No.: 1:23-cv-0376 JLT HBK
	)	
Plaintiff,	)	ORDER ADOPTING IN FULL THE FINDINGS
	)	AND RECOMMENDATIONS DENYING
v.	)	PLAINTIFF'S MOTION FOR A TEMPORARY
	)	RESTRAINING ORDER AND PRELIMINARY
J. BURNES, et al.,	)	INJUNCTION
	)	
Defendants.	)	(Docs. 40, 44)
	)	

Benjamin Justin Brownlee asserts the defendants violated his civil rights arising under the Eighth Amendment. (*See* Docs. 18, 23.) Plaintiff now seeks a temporary restraining order and preliminary injunction, related to access to the law library, return of personal property, phone access, and his legal mail. (Doc. 40.)

The magistrate judge found Plaintiff failed to show he was entitled to the requested relief. (Doc. 44 at 4-5.) The magistrate judge determined “Plaintiff does not show a likelihood of irreparable harm in the absence of preliminary relief.” (*Id.* at 4.) In addition, Plaintiff does not show he faces imminent injury. (*Id.*) Further, the magistrate judge observed that “the Court does not have personal jurisdiction or subject matter jurisdiction over prison officials at RJDCF, who Plaintiff contends are responsible for harassing him or impeding his case in various ways.” (*Id.* at 5.) Therefore, the magistrate judge recommended Plaintiff’s motion be denied. (*Id.*)

The Court served the Findings and Recommendations on Plaintiff and notified him that any

1 objections were due within 14 days. (Doc. 44 at 5.) The Court advised him that the “failure to file  
2 objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.* at 6,  
3 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections,  
4 and the time to do so has passed.

5 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
6 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are  
7 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations dated August 22, 2024 (Doc. 44) are **ADOPTED**  
9 in full.
- 10 2. Plaintiff’s motion for a temporary restraining order and preliminary injunction  
11 (Doc. 40) is **DENIED**.

12  
13 IT IS SO ORDERED.

14 Dated: **September 18, 2024**

  
UNITED STATES DISTRICT JUDGE